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BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 97-082-C - ORDER NO. 97-671  
AUGUST 5, 1997

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IN RE: Application of Clarity Telecom LD ) ORDER  
Network Services, Inc. for a Certifi- ) DENYING  
cate of Public Convenience and Necessity ) REQUEST FOR  
to Operate as a Reseller of Interexchange ) WAIVER OF  
Telecommunications Services within the ) HEARING  
State of South Carolina. )

This matter comes before the Public Service Commission of South Carolina ("the Commission") on the request of Clarity Telecom LD Network Services, Inc. ("Clarity") for a waiver of an evidentiary hearing in this proceeding.

On July 11, 1997, Clarity filed its prefiled testimony in this proceeding. Clarity submitted the testimony in affidavit form (i.e. already under oath). By its accompanying cover letter, Clarity requested that the Commission determine that any evidentiary hearing be unnecessary in this proceeding.

The instant proceeding concerns Clarity's application seeking to resell interLATA and intraLATA interexchange services in South Carolina. By its application, Clarity also requests the Commission to approve the transfer to Clarity of the customer base of EXECUTONE Information Systems, Inc. ("EXECUTONE"), a previously authorized reseller of interLATA and intraLATA telecommunications services in South Carolina.

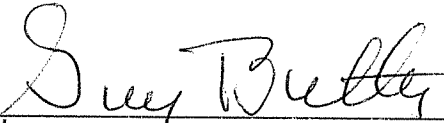
Upon consideration of this matter, the Commission finds that the request to waive the hearing in this matter should be denied. Clarity is seeking to provide services in South Carolina, and the Commission believes that Clarity should participate in the hearing process established by this Commission. Further, the application includes a request to approve the transfer of certain assets (i.e. customer base) of another certified reseller. With regard to the asset transfer, S.C. Code Ann. §58-9-310 (Supp. 1996) states that "no telephone utility, without the approval of the Commission after due hearing and compliance with all other existing requirements of the laws of the State in relation thereto, may sell, transfer, lease, consolidate, or merge its property, powers, franchises, or privileges or any of them ...." While the Commission's regulations allow for the waiver of regulations, including a hearing, where compliance with the regulation introduces unusual difficulty, there has been no showing of unusual difficulty.

In this instance the Commission does not believe that waiver of the hearing in this matter is in the public interest. Therefore, Clarity's request for a waiver of the hearing in this matter is denied.

This Order shall remain in full force and effect until  
further Order of the Commission.

IT IS SO ORDERED.

BY ORDER OF THE COMMISSION:

  
Chairman

ATTEST:

  
Deputy Executive Director  
(SEAL)